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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,411	11/26/2003	Roger Sun Shin	1787.01	1065
29338	7590	10/19/2005		
PARK & SUTTON LLP 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			EXAMINER LARSON, JUSTIN MATTHEW	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/724,411

Applicant(s)

SHIN, ROGER SUN

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/1/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/1/03 is noted. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities:

Sections/headings are underlined and/or in bold. Please note, "Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading."

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Magee (6,394,329). Magee discloses a portable carrier (100), made of either plastic or aluminum (col. 5 lines 6-9), for carrying a bottle (200) that contains water or other drinks, comprising: a bottle-carrying ring (104) that detachably holds the bottle; and a hook (102) that attaches the portable bottle carrier to a wear (belt, abstract) of a user; wherein the bottle-carrying ring comprises an insertion opening (112) into which the neck of the bottle is inserted, and a holding opening (114) which holds the bottle, wherein the size of the insertion opening is larger than the size of the holding opening, and the insertion opening is connected to the holding opening via two projections which

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are smaller than the size of the holding opening by a predetermined length (Figure 3), whereby the bottle can be inserted into the insertion opening and then more to the holding opening to be held securely by the holding opening or taken out of the holding opening by applying force greater than a predetermined value.

Regarding the limitation set forth in claim 14 that requires the bottle-carrying ring to be made of a flexible material, the bottle-carrying ring of Magee is made of either plastic or aluminum, which are both flexible materials. Therefore, this limitation is satisfied.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee in view of Machover (6,726,069), and further in view of McBride (5,743,449) and Condiff et al. (2002/0000455). Magee discloses the claimed invention except for: a rotating member that connects between the hook and the bottle-carrying ring, wherein the rotating member allows 360° rotation of the bottle carrying ring with respect to the hook; the hook being closable so that the hook is not releasable to any direction; and the portable bottle-carrying ring further comprising a through hole, wherein the through hole is adjacent to the insertion opening. Machover, however, teaches that a bottle-carrier (11) can be supported from a user's belt using a closable

hook (12), the hook mounted to the bottle-carrier by a rotating member (shown in Figure 1 between hook 12 and ring 35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bottle-carrier of Magee by replacing belt hook (102) with a different and art-equivalent means of attaching the bottle-carrier to a user, such as the hook and swivel member taught by Machover, so that the bottle-carrier could be connected directly to a user's belt loop and thus eliminate the need to have the hook of Magee which might be pressed into the user's side by the weight of the bottle and create discomfort.

Now, one of ordinary skill in the art would have to know a way to connect the hook and swivel member taught by Machover to the bottle-carrier of Magee that no longer has the hook (102). McBride and Condiff et al. both teach that it is old and well known in the art to suspend thin, flat members from an attachment means by passing a portion of the attachment means through a small hole in the thin, flat member. McBride specifically teaches a thin, flat plastic member (5) having a hole (2) through which the attachment means (3) is passed, allowing the thin, flat plastic member to hang from a user. Similarly, Condiff et al. teaches a thin, flat member (50) having a hole (52) through which the attachment means (40), a hook, is passed, allowing the thin, flat member to hang from the belt of a user. Based on these teachings, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the hook and swivel of Machover could be used to suspend the thin, flat, plastic bottle-carrier of Magee if a small hole was placed in the bottle-carrying ring and the hook and rotating member were attached to the bottle-carrying ring via the hole. It also would have been

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obvious to one having ordinary skill in the art at the time the invention was made to place the small hole adjacent to the insertion opening in order to preserve the orientation and function of Magee's bottle-carrier, as the bottle-carrying ring is currently attached to the user on the side of the insertion opening.

Finally, the bottle-carrier of Magee in view of Machover, and further in view of McBride and Condif et al. discloses the entire invention as claimed.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER